

## Message Text

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PAGE 01 OECD P 26207 01 OF 02 100142Z

60/53

ACTION EUR-12

INFO OCT-01 ISO-00 SS-15 NSC-05 AID-05 CEA-01 CIAE-00

COME-00 EB-07 EA-07 FRB-03 INR-07 IO-10 NEA-10

NSAE-00 OPIC-03 SP-02 TRSE-00 CIEP-01 LAB-04 SIL-01

OMB-01 DODE-00 DOTE-00 FMC-01 CG-00 OFA-01 DLOS-04

PA-01 PRS-01 USIA-06 /109 W  
----- 057508

R 091407Z OCT 75

FM USMISSION OECD PARIS

TO SECSTATE WASHDC 8751

LIMITED OFFICIAL USE SECTION 1 OF 2 OECD PRIS 26207

PASS EB FOR ENDERS; EUR/RPE FOR LAMB; TREASURY FOR LANGE

C O R R E C T E D C O P Y FOR NUMBERED PARA 1

EE.O. 11652: N/A

TAGS: EFIN, ETRN, ECON, UNCTAD, OECD

SUBJ: OECD EXECUTIVE COMMITTEE DISCUSSION ON

UN LINER CODE

REFS: (A) STATE 236784

(B) OECD PARIS 25173

(C) OECD PARIS 25035

(D) STATE 183767

(E) KORP/LAMB TELCON, OCT 6, 1975

(F) COPENHAGEN 2911

1. MISSION ATTENDED INFORMAL MEETING ON OCT 6 OF  
INTERESTED COUNTRIES (FRG, U.K., JAPAN, AUSTRALIA,  
FRANCE' DENMARK, AND SECRETARIAT (HACKETT)) TO DISCUSS  
CURRENT POSITIONS ON DRAFT ENTRY IN COUNCIL MINUTES ON  
COMPATIBILITY OF UN LINER CONVENTION WITH OECD CODE  
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PAGE 02 OECD P 26207 01 OF 02 100142Z

PRIOR TO ITEM RETURNING FORMALLY TO EXECUTIVE COMMITTEE.

2. MISSION REITERATED VIEWS EXPRESSED IN REFTELS (A) AND (D) REGARDING PARA (II) OF DRAFT ENTRY REPORTED SEPTEL C. AT RESTRICTED MEETING, U.S. WAS ISOLATED IN ITS VIEW THAT FORMULATIONS PARA (II) SUGGESTED UP TO NOW COULD BE INTERPRETED AS OECD ACQUIESCENCE TO EITHER PAST OR FUTURE ACTIONS OF CERTAIN OF ITS MEMBERS RE UN CONVENTION.

3. WHILE SYMPATHETIC WITH THE U.S. OBJECTIVES EXPRESSED IN REFTEL (A) AND (D) REGARDING PARA (II) OF DRAFT ENTRY, IT APPEARS CLEAR THAT OTHER ANTI-UN CONVENTION COUNTRIES (ESPECIALLY U.K. AND DENMARK) DO NOT AGREE WITH OUR APPROACH. THEY FEEL THAT LANGUAGE SUFFICIENTLY NEUTRAL CAN BE DRAFTED TO MEET U.S. POINT THAT SIGNING OF UN CONVENTION SHOULD NOT BE CONDONED, AND STILL STATE EXPLICITLY THE IMPORTANCE OF THE OECD CODE AND OF NOT IMPLEMENTING UN CONVENTION BY SIGNATORY OECD MEMBERS IN ANY WAY CONTRARY TO THE OECD CONVENTION THESE OTHER ANTI-UN CONVENTION COUNTRIES FEEL STRONGLY THAT SUCH A PARAGRAPH SHOULD BE MAINTAINED' ARGUING THAT IN PRACTICAL CIRCUMSTANCES IN WHICH SOME MEMBER COUNTRIES HAVE SIGNED UN CONVENTION, IT IS NECESSARY TO TRY OUR BEST TO KEEP THEM FROM IMPLEMENTING IT.

4. IN LIGHT OF THE ABOVE DISCUSSION, U.K. AND SECRETARIAT IN INFORMAL GROUP SUGGESTED FOLLOWING NEW VERSION OF PARA (II):

BEGIN TEXT

(II) NOTED THAT, WITHOUT PREJUDGING WHETHER THERE IS COMPATIBILITY OR INCOMPATIBILITY BETWEEN THE TWO INSTRUMENTS, MEMBER COUNTRIES, IF THEY BECOME PARTIES TO THE UN CONVENTION, IN IMPLEMENTING SUCH CONVENTION, WILL OBSERVE THEIR OBLIGATIONS UNDER THE OECD CODE OF LIBERALISATION OF CURRENT INVISIBLES TRANSACTIONS.

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PAGE 01 OECD P 26207 02 OF 02 091425Z

53

ACTION EUR-12

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END TEXT

THE CONSIDERATION AT THE BEGINNING OF THE PARAGRAPH IS  
DESIGNED TO MEET U.S. POINTS EXPRESSED IN REFTEL (A).

5. EXECUTIVE COMMITTEE DISCUSSION OF THIS TOPIC HAS  
BEEN POSTPONED FROM OCTOBER 9 TO OCTOBER 16.

6. AT RESTRICTED MEETING, MISSION SUPPORTED DANISH  
PROPOSAL FOR PARA (III), AS SUGGESTED IN REFTELS (A)  
AND (F). OTHER ANTI-UN CONVENTION COUNTRIES DID NOT APPEAR  
TO HAVE ANY TROUBLE ACCEPTING THIS PARAGRAPH REDRAFT.

7. COMMENT: WE HAVE OUTLINED ABOVE THE POSITIONS  
TAKEN BY ANTI-U CONVENTION COUNTRIES OTHER THAN THE U.S.  
AT THE INFORMAL MEETING OCTOBER 6, AND THEIR RESPONSES  
TO THE U.S. POSITION RE PARA (II). FRENCH REMAINED  
LARGELY ON THE SIDELINES OF THE DISCUSSION, REAFFIRMING  
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PAGE 02 OECD P 26207 02 OF 02 091425Z

THEIR APPROVAL OF THE TEXT AS TRANSMITTED REFTEL (C),  
BUT NOT GOING ANY FURTHER IN REGARD TO LATER DISCUSSIONS.  
MISSION BELIEVES IT PROBABLE THAT U.S. WILL CONTINUE TO  
BE ISOLATED IN OPPOSING LANGUAGE FOR PARA (II) AND THAT  
U.S. WILL BE SEEN AS RESPONSIBLE FOR LACK OF AGREEMENT  
ON DRAFT ENTRY TO WHICH OTHER ANTI-UN CONVENTION COUNTR-  
IES A THEY ATTACH GREAT IMPORTANCE.  
WE RECOGNIZE THAT THIS IS A MATTER OF FUNDAMENTAL  
INTEREST TO US BUT IT IS OF EQUALLY FUNDAMENTAL CONCERN  
TO SUCH OTHER COUNTRIES AS U.K. AND DENMARK WHO HAVE  
MAJOR MARITIME INTERESTS. WE BELIEVE WE SHOULD ATTACH

CONSIDERABLE WEIGHT TO VIEWS OF OTHER COUNTRIES WHO  
SHARE OUR OBJECTIVES ON THIS ISSUE. THE ABOVE DRAFT  
PARAGRAPH APPEARS TO MISSION TO SATISFY OUR OBJECTIVE  
OF AVOIDING ANY IMPLICIT ENDORSEMENT OF SIGNING UN  
CONVENTION. TO CONTINUE TO HOLD OUT ON THIS ISSUE TO  
POINT OF PREVENTING AGREEMENT ON DRAFT ENTRY DESIRED  
BY ALL OTHER OECD MEMBERS WOULD BE PREJUDICIAL TO  
CREDIT OF U.S. IN THIS ORGANIZATION WHOSE ABILITY TO  
TAKE ACTION DEPENDS ON WILLINGNESS ON PART OF ALL  
MEMBERS TO SEEK ACCOMODATION WHEREVER POSSIBLE.  
ACTION REQUESTED: WE WOULD APPRECIATE DEPARTMENT VIEWS  
REGARDING THE NEW PROPOSAL ON PARA (II) BY COB OCT. 14.  
TURNER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
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**To:** STATE  
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